REMARKS

The Applicants have carefully reviewed the Office Action mailed August 10, 2007 and offer the following remarks to accompany the above-noted amendments.

Claims 1-19, 36-45, and 52-69 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 48-54, 56-58, 60-66, and 68-72 of co-pending U.S. Application No. 09/431,566. The Applicants will address these rejections when the Patent Office indicates that the claims in the present application include allowable subject matter. The Applicants reserve the right to file a terminal disclaimer, to distinguish the cited references, or to otherwise address the provisional obviousness-type double patenting rejections at a later time.

Claims 1, 5-9, 12-19, 36, 39-45, 52, 55, and 57-69 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,375,164 to *Jennings* (hereinafter "*Jennings*") in view of U.S. Patent No. 4,706,270 to *Astegiano et al.* (hereinafter "*Astegiano*"). The Applicants respectfully traverse the rejection.

According to Chapter 2143.03 of the M.P.E.P., in order to "establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." The Applicants submit that neither *Jennings* nor *Astegiano*, either alone or in combination, discloses or suggests all the features recited in claims 1, 5-9, 12-19, 36, 39-45, 52, 55, and 57-69. Claim 1 recites a method for providing access to a sequence of audio segments comprising, among other features, receiving a request to play a sequence of audio segments, having portions of network-related announcements where the sequence is "identified by an audio identifier." Claims 36, 60, and 67 include similar features. The Applicants submit that none of the references, either alone or in combination, disclose or suggest the feature of a network-related announcement sequence which is identified by an audio identifier. As correctly pointed out by the Patent Office, *Jennings* does not disclose this feature.[1] Similarly, *Astegiano* does not disclose this feature. While *Astegiano* does disclose announcements which are sent to subscribers,[2] *Astegiano* does not disclose that these announcements are identified by an audio identifier. Therefore, claims 1, 36, 60, and 67 are patentable over the cited references and the Applicants request that the rejection be withdrawn. Similarly, claims 5, 6, 39, 61, 66, 68, and 69,

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[1] *See* Office Action mailed August 10, 2007, pages 5 and 6.
[2] *See Astegiano*, col. 1, ll. 10-12 and col. 7, ll. 34-40.

which respectively depend from claims 1, 36, 60, and 67, are patentable for at least the same reasons along with the novel features recited therein.

Claim 7 recites a method for providing access to elements comprising, among other features, a request which includes an audio identifier for identifying a set having an audio segment and "a selector for specifying a member of the set corresponding to the audio segment." Claims 40 and 55 include similar features. The Applicants submit that none of the cited references, either alone or in combination, discloses or suggests a request to play an audio segment which includes both an identifier for identifying an audio segment set having an audio segment and a selector for specifying a member of the identified set. In maintaining the rejection, the Patent Office states that *Jennings* discloses this feature at col. 3, ll. 59-64.[3] The Applicants respectfully disagree for a number of reasons. First, the cited portion of the reference does not disclose a separate identifier and a selector. At most, the cited portion discloses an announcement ID which includes a pointer.[4] However, the cited portion does not disclose that the pointer specifies a member of the announcement ID which corresponds to an audio segment. Instead, the pointer translates the announcement ID into an associated set of rules which specifies a member of a set corresponding to an audio segment in addition to the pointer.[5] Second, even assuming *arguendo* that the cited portion did somehow disclose a separate identifier and a selector, *Jennings* still does not disclose that a request to play an audio segment includes a separate identifier and selector. Instead, according to *Jennings*, a voice announcement includes the announcement ID.[6] However, the voice announcement is not a request to play an audio segment, as recited in claims 7, 40, and 55. Thus, claims 7, 40, and 55 are patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claim 8, which depends from claim 7, recites that "the selector specifies a path through the levels that leads to the member corresponding to the audio segment to be played." Claim 57, which depends from claim 55, includes similar features. The Applicants submit that none of the references, either alone or in combination, discloses or suggests that a selector specifies a path through levels that leads to a member corresponding to the audio segment to be played. As detailed above, neither *Jennings* nor *Astegiano*, either alone or in combination, discloses or

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[3] *See* Office Action mailed August 10, 2007, page 7.
[4] *See Jennings*, col. 3, ll. 50-54.
[5] *See Jennings*, col. 3, ll. 53-54.
[6] *See Jennings*, col. 3, ll. 43-46.

suggests a selector as recited in the claims. As such, it follows that neither reference, either alone or in combination, can disclose or suggest a selector that specifies a path through levels that leads to a member corresponding to an audio segment to be played. For this reason and the reasons noted above with respect to claims 7 and 55, claims 8 and 57 are patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claim 9, which depends from claim 7, recites that "the selector specifies a partial path through the levels" of audio data qualifiers. Claim 42, which depends from claim 40, and claim 58, which depends from claim 55, include similar features. The Applicants submit that none of the references, either alone or in combination, disclose or suggest a selector which specifies a partial path through levels of audio data qualifiers. As mentioned above, neither *Jennings* nor *Astegiano*, either alone or in combination, discloses or suggests a selector. Thus, neither reference, either alone or in combination, can disclose or suggest a selector which specifies a partial path through levels of audio data qualifiers.

Claim 9 also recites that selecting the audio segment to be played includes traversing levels of audio data qualifiers in an order specified by a selector and supplying default paths through levels not specified by the selector. Claims 42 and claim 58 include similar features. As neither *Jennings* nor *Astegiano* discloses or suggests a selector, neither reference can disclose or suggest traversing levels of audio data qualifiers in an order specified by a selector and supplying default paths through levels not specified by the selector. For this reason and the reasons noted above, claims 9, 42, and 58 are patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claim 41, which depends from claim 40, recites that "the selector specifies a path through the levels that leads to the member corresponding to the audio segment to be played." As shown above, neither reference, either alone or in combination, discloses or suggests a selector that specifies a path through levels that lead to a member corresponding to the audio segment to be played.

Claim 41 also recites a "means for traversing the set based on the path specified by the selector." The Applicants submit that neither *Jennings* nor *Astegiano*, either alone or in combination, discloses or suggests a means for traversing a set based on a path specified by a selector. As detailed above, none of the references, either alone or in combination, disclose or suggest a selector. Therefore, neither of the references, either alone or in combination, can

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disclose or suggest a means for traversing a set based on a path specified by a selector. For this reason and the reasons noted above with respect to claim 40, claim 41 is patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claim 12 recites a method for providing access to stored audio data segments comprising, among other features, a request which includes a variable and "determining whether the variable is an embedded variable." The Applicants submit that neither *Jennings* nor *Astegiano* discloses or suggests that a request includes a variable and determining whether the variable is an embedded variable. The Patent Office supports the rejection by alleging that *Jennings* discloses this feature at Figure 2, in the Abstract, and in col. 3, ll. 41-64.[7] The Applicants respectfully disagree. While *Jennings* does disclose a semantic expression used to evaluate language, culture, or market specific data, the semantic expression disclosed in *Jennings* mentions nothing about an embedded variable. Furthermore, even assuming *arguendo* that the mantic expression disclosed in *Jennings* was a variable as recited in the claims. *Jennings* mentions nothing about determining whether the semantic expression is an embedded variable.[8] Moreover, the Applicants have reviewed the remaining portions of *Jennings* and submit that nowhere does the reference disclose or suggest the feature of an embedded variable, much less determining whether a variable is embedded. Likewise, *Astegiano* does not disclose these features. Therefore, claim 12 is patentable over the cited references and the Applicants request that the rejection be withdrawn. Similarly, claim 15, which depends from claim 12, is patentable for at least the same reasons along with the novel features recited therein.

Claim 13, which depends from claim 12, recites that "in response to determining that the variable is not an embedded variable, resolving the variable into at least one audio data segment based on at least one of type, subtype, and value of the variable." The Applicants submit that *Jennings* and *Astegiano* do not disclose or suggest resolving a variable into an audio data segment based on at least one of a type, subtype, and value of a variable in response to determining that a variable is not an embedded variable. As shown above, neither *Jennings* nor *Astegiano* discloses or suggests determining whether a semantic expression is an embedded variable. Thus, none of the references can disclose or suggest resolving a variable into an audio data segment based on at least one of a type, subtype, and value of a variable in response to

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[7] *See* Office Action mailed in August 10, 2007, page 8.
[8] *See Jennings*, Abstract.

determining that a variable is not an embedded variable. For this reason and the reasons noted above with reference to claim 12, claim 13 is patentable over the cited references and the Applicants request that the rejection be withdrawn. Claim 14, which depends from claim 13, is patentable for at least the same reasons along with the novel features recited therein.

Claims 16-19, which ultimately depend from claim 12, variously recite the feature of a selector. As detailed above, neither *Jennings* nor *Astegiano* discloses or suggests a selector. Thus, in addition to the reasons noted above with respect to claim 12, claims 16-19 are patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claim 43 recites a variable processor comprising, among other features, a request to play a sequence of audio segments where the request includes "a multilanguage variable specifying a language in which the audio sequence is to be played." The Applicants submit that *Jennings* does not disclose a request which includes a multi-language variable specifying a language in which an audio sequence is to be played. While *Jennings* does that disclose the announcement ID 10 is associated with an English rule 21 and a Spanish rule 22, neither the voice announcement nor the rules 21 and 22 are a request.[9] Instead, the announcement ID 10 and the rules 21 and 22 are part of voice announcements which are provided to a user.[10] As such, claim 43 is patentable over the cited references and the Applicants request that the rejection be withdrawn. Similarly, claim 44, which depends from claim 43, is patentable for at least the same reasons along with the novel features recited therein.

Claim 45, which depends from claim 43, recites a "means for qualifying the multilanguage variable after resolving the multilanguage variable using a selector." The Applicants submit that none of the references, either alone or in combination, disclose or suggest a means for qualifying a multi-language variable after resolving the multi-language variable which uses a selector. As detailed above, none of the references disclose or suggest a selector. Thus, it follows that none of the references can disclose or suggest a means for qualifying a multi-language variable after resolving the multi-language variable which uses a selector. For this reason and the reasons noted above with reference to claim 43, claim 45 is patentable over the cited references and the Applicants request that the rejection be withdrawn.

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[9] *See Jennings*, col. 3, ll. 56-59.
[10] *See Jennings*, col. 3, ll. 41-48.

Claim 52 has been amended to recite a method for accessing stored audio data comprising, among other features, transmitting a request which includes an audio identifier which identifies an audio segment sequence and a selector which specifies a member of the audio segment sequence. As detailed above, none of the references, either alone or in combination, disclose or suggest a selector which specifies a member of an audio segment sequence. Thus, claim 52 is patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claim 59 recites a computer storage medium comprising instructions to provide a first data field having an audio identifier representing a set containing a plurality of members and a second data field having a selector for selecting a member of the set. As detailed above, none of the references, either alone or in combination, disclose or suggest instructions having an audio identifier which represents a set having a plurality of members and a separate selector for selecting a member of the set. Thus, claim 59 is patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claim 62, which depends from claim 60, recites both an identifier and a selector where the identifier is used to locate a set having audio data segments in an audio server database and the selector locates a member in the set. As detailed above, neither *Jennings* nor *Astegiano* discloses or suggests a separate identifier and selector, thus neither reference can disclose a selector which selects a member in a set located by an identifier. Therefore, in addition to the reasons noted above with respect to claim 60, claim 62 is patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claim 63 has been amended to recite a method for providing access to audio data segments comprising, among other features, receiving a request which includes a first parameter for identifying audio segments and a second parameter for selecting one of the audio segments. As detailed above, none of the references disclose identifying audio segments and then selecting one of the identified audio segments. As such, claim 63 is patentable over the cited references and the Applicants request that the rejection be withdrawn. Similarly, claim 64, which depends from claim 63, is patentable for at least the same reasons along with the novel features recited therein.

Claim 65, which depends from claim 63, recites a request having an identifier for identifying a set of audio data segments and a selector for selecting members of the set of audio

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data segments identified by the identifier. As detailed above, none of the cited references, either alone or in combination, disclose or suggest a request having a separate identifier and selector where the selector selects members of a set of audio data segments identified by the identifier. Therefore, in addition to the reasons noted above with respect to claim 63, claim 65 is patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claims 2-4, 10, 11, 37, 38, 53, 54, and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jennings* in view of *Astegiano* and further in view of the Applicants' Admitted Prior Art (hereinafter "the AAPA"). The Applicants respectfully traverse the rejection.

As detailed above, claims 1, 7, 36, 52, and 55, the base claims from which claims 2-4, 10, 11, 37, 38, 53, 54, and 56 ultimately depend, are patentable over *Jennings* and *Astegiano*. In addition, the AAPA does not overcome the previously noted deficiencies of both *Jennings* and *Astegiano*. Accordingly, claims 2-4, 10, 11, 37, 38, 53, 54, and 56 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicants' representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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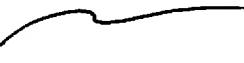
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